

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OMAHA CONSTRUCTION INDUSTRY)
PENSION FUND, et al.,)
Plaintiffs,) 8:05CV186
vs.)
DOUBLE D EXCAVATING, INC.,)
a Nebraska Corporation,)
Defendant.) ORDER

This matter is before the court following a telephonic planning conference with counsel on December 28, 2005. The plaintiffs were represented by John E. Corrigan and the defendant was represented by James E. Lang. Plaintiffs have filed a motion for summary judgment (Filing No. 13) as supplemented by affidavits filed on December 23, 2005 (Filing Nos. 15 and 16). Defendant shall respond to the motion for summary judgment **on or before December 30, 2005**.

The parties agree that discovery is closed and there is no further need of a discovery deadline. In the event this case is not disposed of by the pending motion for summary judgment, the court will conduct a pretrial conference with the parties **on June 1, 2006, at 1:30 p.m.** in chambers, Suite 2271, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Should there be any remaining issues to be tried, a nonjury trial before Chief Judge Joseph F. Bataillon will commence **on June 19, 2006**, in Courtroom No. 3, Third Floor Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

IT IS SO ORDERED.

DATED this 29th day of December, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge